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10/598,110	08/17/2006	Megumi Itoh	70404.111/ha	1135
54/72 7590 12/07/2009 SHARP KABUSHIKI KAISHA C/O KEATING & BENNETT, LLP 1800 Alexander Bell Drive SUITE 200 Reston, VA 20191				
EXAMINER				
SPAR, ILANA L				
ART UNIT		PAPER NUMBER		
2629				
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary

Application No.

10/598,110

Applicant(s)

ITOH ET AL.

Examiner

ILANA SPAR

Art Unit

2629

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 September 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 22-41 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 22-41 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SI/225)
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date: _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____
- Paper No(s)/Mail Date: _____

DETAILED ACTION

Response to Amendment

1. The following Office Action is responsive to the amendments and remarks received on September 25, 2009.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 22, 23, 27-29, 36-39, and 41 are rejected under 35 U.S.C. 102(b) as being anticipated by Yahara et al. (Japanese Published Patent Application 10-297318).

With reference to claim 22, Yahara et al. teaches an instrument panel image display device, installed on an apparatus so as to display an instrument panel image, said instrument panel image display device comprising:

a display (6) arranged to display the instrument panel image including a plurality of gauge images, by which internal and external information of the apparatus is provided to a user, said instrument panel is displayed in accordance with a plurality of image data which generates the plurality of gauge images, wherein each of said plurality of image data individually generates one of said plurality of gauge images (see paragraph 14 – each of the images, i.e. radio, TV, or air conditioning information images, comes from a separate source, i.e. the radio, TV, or air conditioning control module, such that each image is generated by separate image data); and

an image data changing section (22) arranged to change one of said plurality of image data into another image data, said another image data generating another gauge image (see paragraph 24, lines 7-10 and Figure 10 – the down arrow is activated such that it now appears different than the up arrow, which has not been activated, while before the arrow was activated both arrows appeared to be the same color).

With reference to claim 23, Yahara et al. teaches all that is required with reference to claim 22, and further teaches a parameter changing section (22) arranged to change a value indicated by a parameter which defines a display state of the gauge image into another value (see paragraph 24, lines 1-3 – the computer registers that a parameter change has been input, and informs the display to modify the displayed data accordingly).

With reference to claim 27, Yahara et al. teaches all that is required with reference to claim 23, and further teaches that the parameter defines at least a size (see paragraph 43, lines 14-17 and paragraph 2, lines 11-13) and a color of the gauge image (see paragraph 24, lines 7-10).

With reference to claim 28, Yahara et al. teaches all that is required with reference to claim 22, and further teaches an image data obtaining section (23) arranged to obtain image data, which generates said another gauge image, via a network line, from a server having a storage section (21) which stores the image data (see paragraph 18 and paragraph 12, lines 6-9).

With reference to claim 29, Yahara et al. teaches all that is required with reference to claim 23, and further teaches that the apparatus is a vehicle (see

paragraph 9, line 1), and the instrument panel image includes at least a speedometer image indicative of a running speed of the vehicle as the gauge image, and the parameter changing section changes the parameter so that the speedometer image is displayed in front of a driver or in a predetermined position in a visual field of the driver (see paragraph 43, lines 14-17 – the speedometer display is made larger such that it is easier for the driver to view, additionally see paragraph 18, the display can be a heads up display 24 that is placed directly in the driver's field of view while watching the road).

With reference to claim 36, Yahara et al. teaches all that is required with reference to claim 28, and further teaches a server (21), providing the image data that generates said another gauge image to the instrument panel image display device (see paragraph 12, lines 2-6).

With reference to claim 37, Yahara et al. teaches all that is required with reference to claim 28, and further teaches a server (21) for providing the image data that generates said another gauge image to the instrument panel image display device (see paragraph 12, lines 6-9 and paragraph 24).

With reference to claim 38, Yahara et al. teaches all that is required with reference to claim 22, and further teaches that the instrument panel image display device is part of a vehicle (see paragraph 9, line 1).

With reference to claim 39, Yahara et al. teaches a method of changing an instrument panel image displayed in an instrument panel image display device installed on an apparatus, said method comprising the steps of:

displaying the instrument panel image including a plurality of gauge images, by which internal and external information of the apparatus is provided to a user, said instrument panel image is displayed in accordance with a plurality of image data which generates the plurality of gauge images, wherein each of said plurality of image data individually generates one of said plurality of gauge images (see paragraph 14 – each of the images, i.e. radio, TV, or air conditioning information images, comes from a separate source, i.e. the radio, TV, or air conditioning control module, such that each image is generated by separate image data); and

changing one of the plurality of image data into another image data, said another image data generating another gauge image (see paragraph 24, lines 7-10 and Figure 10 – the down arrow is activated such that it now appears different than the up arrow, which has not been activated, while before the arrow was activated both arrows appeared to be the same color).

With reference to claim 41, Yahara et al. teaches a computer readable storage medium, storing an instrument panel image display program, causing the instrument panel image display device as set forth in claim 22 to operate, said instrument panel image display program being characterized by causing a computer to perform the following steps:

displaying the instrument panel image including a plurality of gauge images, by which internal and external information of the apparatus is provided to a user, said instrument panel image is displayed in accordance with a plurality of image data which generates said gauge images, wherein each of said plurality of image data individually

generates one of said plurality of gauge images (see paragraph 14 – each of the images, i.e. radio, TV, or air conditioning information images, comes from a separate source, i.e. the radio, TV, or air conditioning control module, such that each image is generated by separate image data); and

changing one of the plurality of image data into another image data, said another image data generating another gauge image (see paragraph 24, lines 7-10 and Figure 10 – the down arrow is activated such that it now appears different than the up arrow, which has not been activated, while before the arrow was activated both arrows appeared to be the same color).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

6. Claims 24-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yahara et al. in view of Hirasuna (Japanese Patent Publication No. 11-099852).

With reference to claim 24, Yahara et al. teaches all that is required with reference to claim 23, but fails to teach a parameter judging section.

Hirasuna teaches a parameter judging section (103) arranged to judge whether the value indicated by the parameter is within a predetermined range or not (see paragraph 6, lines 10-17 and paragraph 8, lines 6-13).

It would have been obvious to one of ordinary skill in the art at the time of invention to use a parameter judging section in a changing display such that a change in the data to be displayed can be recognized and the display can be changed while still being optimized, as taught by Hirasuna.

With reference to claim 25, Yahara et al. and Hirasuna teach all that is required with reference to claim 24, and Hirasuna further teaches that, when the parameter judging section judges that the value indicated by the parameter is not within the predetermined range, the parameter changing section (104) changes the value indicated by the parameter into a value within the predetermined range (see paragraph 6, lines 10-17 and paragraph 8, lines 6-13).

With reference to claim 26, Yahara et al. and Hirasuna teach all that is required with reference to claim 25, and Hirasuna further teaches that the parameter changing section changes the value indicated by the parameter into a value closest to a set value within the predetermined range (see paragraph 8, lines 10-17).

7. Claims 30-32, 34, 35, and 40 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yahara et al. in view of Kolpasky et al. (US Patent No. 7,474,309), and further in view of Ui (Japanese Published Patent Application 2000-292198).

With reference to claim 30, Yahara et al. teaches an instrument panel image display device, installed on an apparatus so as to display an instrument panel image, said instrument panel image display device comprising:

a display (6) arranged to display the instrument panel image including a gauge image, by which internal and external information is provided to a user, in accordance with image data that generates said gauge image (see paragraph 14 – each of the images, i.e. radio, TV, or air conditioning information images, comes from a separate source, i.e. the radio, TV, or air conditioning control module, such that each image is generated by separate image data); and

an image data changing section (22) arranged to change said image data, which generates said image into another image data, said another image data generating another image (see paragraph 24, lines 7-10 and Figure 10 – the down arrow is activated such that it now appears different than the up arrow, which has not been activated, while before the arrow was activated both arrows appeared to be the same color).

Yahara et al. fails to teach that the image data also includes background image data.

Kolpasky et al. teaches that the display also displays a background image, which serves as a background of the main image, and that the background image is generated by background image data (see column 4, lines 41-42 and 52-57).

Kolpasky additionally teaches that the background color can be any of a variety of colors, particularly white, black or shades of gray (see column 4, lines 41-42).

Ui teaches varying the display data depending on the determination as to whether it is day or night (i.e. bright or dark environment), such that the background of the display screen becomes darker (see paragraph 20, lines 4-7 and Figure 4).

It would have been obvious to one of ordinary skill in the art at the time of invention that background image data may need to be adjusted for the ease of use of a display during different times of day, as taught by Ui, such that the background data as taught by Kolpasky et al. can vary between shades of white and black as necessary according to the determination of time of day by the display controller. It further would have been obvious to generate separate gauge image data and background image data such that each portion of the display can be supplied only the appropriate data to generate the desired image (i.e. each gauge data is responsible only for the area of the display that it covers, and the background data fills in any areas that have not been occupied by the gauge images).

With reference to claim 31, Yahara et al., Kolpasky et al., and Ui teach all that is required with reference to claim 30, and Ui further teaches a parameter changing section (CPU1) arranged to change a value indicated by a parameter that defines a display state of the background image into another value (see paragraph 20, lines 4-7).

With reference to claim 32, Yahara et al., Kolpasky et al., and Ui teach all that is required with reference to claim 31, and Ui further teaches a parameter judging section (CPU1) arranged to judge whether the value indicated by the parameter is within a predetermined range or not (see paragraph 20, lines 4-7).

With reference to claim 34, Yahara et al., Kolpasky et al., and Ui teach all that is required with reference to claim 31, and Ui further teaches that the parameter defines at least one of a color or a luminance of the background image (see paragraph 20, lines 4-7).

With reference to claim 35, Yahara et al., Kolpasky et al., and Ui teach all that is required with reference to claim 31, and Yahara et al. further teaches that the parameter changing section changes a parameter of at least either the gauge image or the background image so that a periphery of the gauge image is bordered (see paragraph 29, lines 7-9 and Figure 11 - the images are emphasized through the use of borders around each of the gauge images to be focused on).

With reference to claim 40, Yahara et al. teaches a method of changing an instrument panel image displayed in an instrument panel image display device installed on an apparatus, said method comprising the steps of:

displaying the instrument panel image including a gauge image, by which internal and external information of the apparatus is provided to a user in accordance with image data that generates the gauge image (see paragraph 14 – each of the images, i.e. radio, TV, or air conditioning information images, comes from a separate source, i.e. the radio, TV, or air conditioning control module, such that each image is generated by separate image data); and

changing the image data which generates said image into another image data generating another image (see paragraph 24, lines 7-10 and Figure 10 – the down arrow is activated such that it now appears different than the up arrow, which has not

been activated, while before the arrow was activated both arrows appeared to be the same color).

Yahara et al. fails to teach that the image data also includes background image data.

Kolpasky et al. teaches that the display also displays a background image, which serves as a background of the main image, and that the background image is generated by background image data (see column 4, lines 41-42 and 52-57).

Kolpasky additionally teaches that the background color can be any of a variety of colors, particularly white, black or shades of gray (see column 4, lines 41-42).

Ui teaches varying the display data depending on the determination as to whether it is day or night (i.e. bright or dark environment), such that the background of the display screen becomes darker (see paragraph 20, lines 4-7 and Figure 4).

It would have been obvious to one of ordinary skill in the art at the time of invention that background image data may need to be adjusted for the ease of use of a display during different times of day, as taught by Ui, such that the background data as taught by Kolpasky et al. can vary between shades of white and black as necessary according to the determination of time of day by the display controller. It further would have been obvious to generate separate gauge image data and background image data such that each portion of the display can be supplied only the appropriate data to generate the desired image (i.e. each gauge data is responsible only for the area of the display that it covers, and the background data fills in any areas that have not been occupied by the gauge images).

8. Claim 33 is rejected under 35 U.S.C. 103(a) as being unpatentable over Yahara et al., Kolpasky et al., and Ui as applied to claim 32 above, and further in view of Hirasuna.

Yahara et al., Kolpasky et al., and Ui teach all that is required with reference to claim 32, but fail to teach that when the parameter judging section judges that the value indicated by the parameter is not within the predetermined range, the parameter changing section changes the value indicated by the parameter into a value within the predetermined range.

Hirasuna teaches that when the parameter judging section judges that the value indicated by the parameter is not within the predetermined range, the parameter changing section changes the value indicated by the parameter into a value within the predetermined range (see paragraph 8, lines 10-17).

It would have been obvious to one of ordinary skill in the art at the time of invention that if the data values being input to the display are not acceptable to the display circuitry, it is possible to either reject the values and not display anything, or to adjust the values and display the adjusted values. It would be obvious, then, to use the method of adjusting the values to prevent discontinuity in the displayed data.

Response to Arguments

9. Applicant's arguments with respect to claims 22-41 have been considered but are moot in view of the new ground(s) of rejection, as explained above.

Conclusion

10. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **ILANA SPAR** whose telephone number is (571)270-7537. The examiner can normally be reached on **Monday-Thursday 8:00-4:00 EST**.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Bipin Shalwala** can be reached on (571)272-7681. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Bipin Shalwala/
Supervisory Patent Examiner, Art Unit 2629

ILS